

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

ANTON RISE,

Defendant.

Criminal No. 17-10146-MLW

**GOVERNMENT'S RESPONSE TO  
COURT ORDER RE: SENTENCING (DKT. NO. 129)**

Pursuant to this Court's Order, Dkt. No. 129, the Government states that it concurs with Probation that, if the Court found that the defendant is not an Armed Career Criminal, his Guidelines Sentencing Range would be 70-87 months in prison followed by 1-3 years of Supervised Release, based on a Total Offense Level of 21 and Criminal History Category of V. In that case, the Government would recommend a sentence toward the high end of the GSR: 84 months in prison, followed by 3 years of supervised release, with the same conditions recommended in the Government's initial sentencing memorandum (Dkt. No. 107): that 6 months of supervised release be spent in a community confinement center unless a residence suitable to Probation is found sooner, anger management counseling and any other mental health treatment Probation deems necessary, drug testing, and vocational training. Based on PSR ¶¶ 78-82, the Government also recommends that participation in any substance abuse treatment directed by Probation be a condition of supervised release. The defendant is also subject to a \$100 special assessment and forfeiture. *See* Dkt. No. 101 (Motion for Preliminary Order of Forfeiture and proposed Order).

In support of its recommendation of 84 months in prison if the defendant is not found to be an Armed Career Criminal, the Government notes that the defendant was sentenced to 4-8 years in prison on his last firearm case, PSR ¶ 49, and actually served just over 5 years before being paroled. Accordingly, 84 months represents a reasonable and necessary increase from the last sentence served for a similar offense, and will serve to underscore to the defendant that as a convicted felon, with a history of domestic violence, violent crime, gang involvement, drug distribution and use, and firearms involvement (PSR ¶¶ 10-11, 41, 42, 43, 45, 46, 48, 49, 50, 78-79), he cannot under any circumstances possess a firearm and ammunition, let alone carry a firearm with an obliterated serial number, loaded with 15 rounds of ammunition, inside a nightclub or drive around the city of Boston with such a firearm, as he did in this case. PSR ¶¶ 8-21.

In making this conditional recommendation, the government recognizes that some of the defendant's criminal history is quite old, that the defendant experienced trauma as a child and a young man (PSR ¶¶ 62, 73, 76; Dkt. No. 109 at 11), that the defendant had been employed between his release from incarceration in 2014 and his arrest in connection with the instant offense in 2017 (PSR ¶¶ 86-87), that the defendant had been shot three months before he was found with the loaded firearm in this case (PSR ¶ 73), and that the defendant will soon turn 40 years old. The government is hopeful that he has grown out of his previous criminal activity and associations and will take advantage of the resources offered him by U.S. Probation during his term of supervised release to gain vocational training and steady employment and be present for and provide for his four children, as he expresses the desire to do (PSR ¶ 77). Even with an 84-month sentence, the defendant would likely be released in the near future and would be able to

begin to work on these goals.

Respectfully submitted,

RACHAEL S. ROLLINS  
United States Attorney

By: /s/Elianna J. Nuzum  
Elianna J. Nuzum  
Assistant United States Attorney  
John Joseph Moakley U.S. Courthouse  
One Courthouse Way, Suite 9200  
Boston, MA 02210  
elianna.nuzum@usdoj.gov  
617.748.3100

Date: August 3, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants by First Class Mail.

Dated: August 3, 2022

/s/ Elianna J. Nuzum  
Elianna J. Nuzum